

## **REMARKS**

### **Present Status of the Application**

The rejected claims 1-18 under 35 U.S.C. 102(e), as being anticipated by Rose (U.S. 5,757,917). Applicants have amended claims 1, 3, 5, 7, 10, 11, 13 and 15 to improve clarity according to Fig. 1 of the present invention and paragraphs [0066], [0093], [0094] and [0097] of the specification. Also, Applicants have amended claims 1-3, and 5-18 to correct some minor informalities. No new matters are introduced into the application by the amendment made herein. After entry of the foregoing amendments, claims 1-18 remain pending in the present application, and reconsideration of those claims is respectfully requested.

### **Discussion of Office Action Rejections**

*The rejected claims 1-18 under 35 U.S.C. 102(e), as being anticipated by Rose (U.S. 5,757,917; hereafter Rose) and asserted that Rose discloses all claimed features of the present invention.*

Applicants respectfully traverse the rejections for at least the reasons set forth below.

It is well established that anticipation under 35 U.S.C. 102 requires each and every elements of the rejected claims must be disclosed exactly by a single prior art reference.

The amended independent claims 1, 3, 5, 7, 10, 11, 13 and 15 are allowable for at least the reason that Rose fails to teach or disclose each and every features of the amended independent claims 1, 3, 5, 7, 10, 11, 13 and 15. The claimed invention concerns many virtual shops on the Internet, which necessitate the transfer of payment information. In order to increase

the security of payment through computer communication networks, the communication system contemplated by the claimed invention makes use of a private network for the transfer of certain information. In Fig. 1 of the present invention, one embodiment of the claimed invention is depicted in which the private network is defined by the dedicated line connecting the payment system 35 with the information provider 20. As can be seen, in this embodiment, the terminal 10 can communicate with the payment system 35 by means of the dedicated line without ever using the internet 32. An example of this communication is found in paragraph [0097].

As amended, claim 1 recites a “terminal” comprising, among other things:

a message viewer for communicating with said private network without using the Internet, *part of said private network being outside said payment system*.....wherein said message viewer includes means for paying said bill by communicating with said payment system through said private network *without using the Internet* (emphasis added)

As shown in Fig. 1 of the present invention, at least part of the information provider 20 is connected by the dedicated line and so at least part of the private network is outside the payment system. Furthermore, also shown in Fig. 1, the terminal 10, which comprises the claimed “message viewer”, is clearly able to communicate, through the information provider 20 and the dedicated line defining the private network, with the payment system 35 without ever using the Internet 32. Accordingly, the interconnection between the buyer’s terminal (as “terminal” in the claims) and the payment system is highly secured and reliable (as shown in paragraph [0097]).

As for the citation, Rose fails to disclose at least above features of the claims invention. More specifically, the feature of “a message viewer.....[that] includes means for paying said bill by communicating with said payment system through said private network without using the Internet” cannot be found in Rose’s application. As shown on Page 7 of the Office Action, Examiner referred to Rose and recited that “both the below and above the line systems are contained within the payment system”. Therefore, Examiner stated that the claim limitation of “through said private network” could be construed as including “notification of payment completion originating in the below the line aspect of the payment system and then proceeding to the browser through the above the line system”. However, as amended above, the claimed invention clearly requires that the message viewer includes means for paying said bill by communicating with said payment system through said private network *without using the Internet* (emphasis added). Rose fails to teach or suggest any such communication without using the Internet on the part of a “message viewer.....[that] includes means for paying said bill”.

Further, and alternatively, since it has been clarified in these amendments that “part of said private network [is] outside said payment system”, communication between the below the line system and the above the line system in Rose cannot be considered “through said private network” as required by the claim language.

Assuming that an argument for anticipation of claim 1 could be with the seller’s agent 115 of Fig. 8 in Rose as the claimed “terminal”, it should be noted that the claimed “terminal” comprises a “message viewer...[that] includes means for paying said bill”. Nowhere in Rose is the seller’s agent 115 disclosed as having means for paying a bill.

Therefore, Rose substantially fails to teach each and every feature of claims 1, 3, 5, 7, 10, 11, 13 and 15, and therefore, Rose cannot possibly anticipate the claimed invention as claimed in the proposed independent claims 1, 3, 5, 7, 10, 11, 13 and 15 in this regard.

Claims 2, 4, 6, 8-9, 12, 14 and 16-18, which depend from claims 1, 3, 5, 7, 10, 11, 13 and 15 respectively, are also patentable over Rose, at least because of their dependency from an allowable base claim.

For at least the foregoing reasons, Applicants respectfully submit that claims 1-18 patentably define over Rose, and therefore should be allowed. Reconsideration and withdrawal of the above rejections is respectfully requested.

**CONCLUSION**

For at least the foregoing reasons, it is believed that the pending claims 1-18 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,  
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